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*Attorneys for Defendants
Advent Product Development, Inc.,
Denice Thurlow, and Alphonso Eiland*

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

MATTHEW WATERS, individually and on
behalf of other members of the general
public similarly situated,

Plaintiff,

v.

ADVENT PRODUCT DEVELOPMENT,
INC., a South Carolina Corporation,
DENICE THURLOW, ALPHONSO EILAND,
and DOES 1 through 50, inclusive,

Defendants.

Civil Action No.: 07-cv-2089 (BTM) (LSP)

Document electronically filed.

**DEFENDANTS' NOTICE OF MOTION
TO DISMISS**

Oral Argument Requested

Motion Date: December 28, 2007

PLEASE TAKE NOTICE that on December 28, 2007, at 11:00 a.m. or as soon thereafter as counsel may be heard, Blanchard, Krasner & French for Defendants Advent Product Development, Inc., Denice Thurlow, and Alphonso Eiland, shall move before the United States District Court for the Southern District of California for the

entry of an Order to Dismiss Plaintiff's Complaint pursuant to Fed. R. Civ. P. 12(b)(3) in accordance with the parties' forum selection clause and due to an already pending litigation.

PLEASE TAKE FURTHER NOTICE that counsel for the moving party shall rely upon the accompanying Memorandum of Points and Authorities in Support of Defendants' Motion to Dismiss, the Declaration of Denice Thurlow, and the Declaration of A. Kipp Williams, Esq. as well as the exhibits thereto, and all other pleadings and memoranda on file in this matter.

PLEASE TAKE FURTHER NOTICE that a proposed form of Order is submitted herewith.

PLEASE TAKE FURTHER NOTICE that counsel for the moving party requests oral argument.

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*Attorneys for Defendants
Advent Product Development, Inc.,
Denice Thurlow and Alforonso Eiland*

Dated: November 7, 2007
La Jolla, California

s/ A. Kipp Williams
A. Kipp Williams

Of Counsel:

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